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6 UNITED STATES BANKRUPTCY COURT  
7  
8 NORTHERN DISTRICT OF CALIFORNIA  
9

10 In re ) Case No: 09-33881  
11 ) CHAPTER 7  
12 DEMOCRITO S. JOSE )  
LESLIE C. JOSE )  
12 Debtor. )  
13 \_\_\_\_\_ )

14 MOTION TO ABANDON PROPERTY

15 The motion of debtors respectfully represents:

16 1. The debtors operate three board and care homes for the  
17 elderly under two different DBA's at 3579 Monterey Blvd., San  
18 Leandro, CA, 429 Linnell Ave., San Leandro, CA, and 3429 Alvarado  
19 St., San Leandro, CA at which nine elderly board and care  
20 residents currently live.

21 2. These businesses have not been profitable for the debtors  
22 due to regular population changes, but the debtors hope to  
23 consolidate the residents in two homes in the hopes of achieving  
24 profitability.

25 3. Title to the real properties that these businesses occupy  
26 are held by the debtors and none have equity. Alvarado St. is  
27 currently being proposed for short sale, at which time, debtors  
28 will move those residents to one of the other facilities.

1           4. These properties have some furnishings that the debtors  
2 have claimed as exempt.

3           5. The Chapter 7 Trustee has agreed that these businesses  
4 can be abandoned as burdensome to the estate and of no  
5 consequential value and will consent to the abandonment thereof.

6           WHEREFORE debtors pray that the court enter an order allowing  
7 debtors to abandon the board and care businesses, including the  
8 furnishings and real properties located at 3579 Monterey Blvd.,  
9 San Leandro, CA, 429 Linnell Ave., San Leandro, CA, and 3429  
10 Alvarado St., San Leandro, CA to the debtors.

11 Dated: December 17, 2009

/s/ James F. Beiden

JAMES F. BEIDEN

Attorney for Debtors